

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERMINIA CANGA,

Plaintiff,

- against -

SUMITOMO CORPORATION OF AMERICAS,

Defendant.
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NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Sumitomo Corporation of Americas, by its attorneys, Epstein Becker & Green, P.C., hereby removes the above-entitled action pending in the New York State Supreme Court, County of New York, to this Court. In support of this Notice of Removal, Defendant respectfully alleges as follows:

1. On or about December 6, 2017, Plaintiff Herminia Canga commenced an action entitled *Herminia Canga v. Sumitomo Corporation of Americas*, Index No. 160813/2017, in the New York State Supreme Court, New York County. A true and correct copy of the Summons with Notice is annexed as Exhibit A. Plaintiff has not served the Summons with Notice upon Defendant, nor has Plaintiff filed and served a Complaint. Defendant has not answered, moved or otherwise responded to the Summons with Notice in the State Court action.

2. The Summons with Notice states that the nature of the action is: "Employment discrimination and retaliation on the basis of Plaintiff's race and/or national origin and retaliation in violation of 42 U.S.C. § 1981." It demands monetary damages in excess of \$500,000.

3. Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant removes this action to this Court on the basis of federal question jurisdiction, namely Plaintiff's assertion that Defendant violated a federal statute, 42 U.S.C. § 1981.

4. In these circumstances, a Summons with Notice is removable as a matter of law. *See Whitaker v. American Telecasting, Inc.*, 261 F.3d 196, 203-05 (2d Cir. 2001).

5. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed with this Court within 30 days after Defendant learned of the existence of the Summons with Notice.

6. Written notice of the filing of this Notice of Removal will be provided to Plaintiff's attorney, Megan S. Goddard, Esq., Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, 5th Floor, New York, New York 10001. Defendants also will file a copy of this Notice of Removal with the Clerk of the New York State Supreme Court, County of New York, as required by 28 U.S.C. § 1446(d).

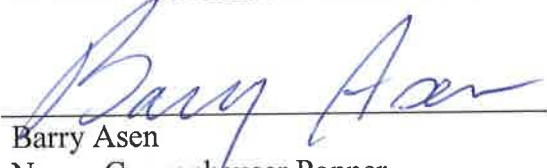
7. By filing this Notice of Removal, Defendant does not waive any defenses that might be available to it.

WHEREFORE, Defendant respectfully removes the above-entitled action pending in New York State Supreme Court, New York County, to this Court.

Dated: December 20, 2017

EPSTEIN BECKER & GREEN, P.C.

By:


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